

Exhibit C

to Hawkins Declaration

In Support of Motion for Sanctions
Against TSI Concerning Employee A

Seaman et al. v. Nat'l Collegiate Student Loan Trust 2007-2 et al., No. 18-CV-1781

Bifulco et al. v. Nat'l Collegiate Student Loan Trust 2004-2 et al., No. 18-CV-7692

Affiant X
May 19, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MUTINTA MICHELO, ET AL. ,)	
)	
PLAINTIFFS,)	
)	
vs.)	
)	CASE NUMBER:
)	18-CV-1781 (PGG)
NATIONAL COLLEGIATE STUDENT)	
LOAN TRUST 2007-2, ET AL.,)	
)	
DEFENDANTS.)	
)	

CHRISTINA BIFULCO, ET AL.,)	
)	
PLAINTIFFS,)	
)	
vs.)	
)	CASE NUMBER:
)	18-CV-7692 (PGG)
NATIONAL COLLEGIATE STUDENT)	
LOAN TRUST 2004-2, ET AL.,)	
)	
DEFENDANTS.)	
)	

The following deposition upon written questions of Affiant X was taken pursuant to stipulations contained herein, the reading and signing of the deposition reserved, before Stephen Mahoney, Certified Court Reporter, 4921-4880-0199-0656, in the State of Georgia, on May 19, 2021 at 10:00 a.m.

Stephen Mahoney, CVR, CCR

2700 Centennial Tower
101 Marietta Street
Atlanta, Georgia 30303

Affiant X
May 19, 2021

1 consent order, and two, the procedures you followed
2 and documents you reviewed when signing affidavits
3 on February 18th, 2014?

4 A. I don't recall any of that.

5 Q. During your employment at TSI-NCO, did you
6 ever stop signing affidavits?

7 A. Yes.

8 Q. When did you stop signing affidavits?

9 A. June 2018.

10 Q. Why -- oh, I'm sorry.

11 A. Around June 2018.

12 Q. Why did you stop signing affidavits?

13 A. It was a couple of things. One being
14 workplace stress for myself, and we had a reorg
15 within our department, a reorganization. So I was
16 asked to move over to production -- affidavit
17 production, and I did.

18 That's why.

19 Q. And Defendants object to the form of
20 Question 27, including Subparts (a) and (b).

21 During your employment at TSI-NCO, did you
22 ever refuse to sign an affidavit?

23 And Defendants object to the form of
24 Question 28 and to the extent Question 28 calls for
25 information protected by the attorney-client

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May 19, 2021

1 Q. Was the questioning done under oath?

2 A. I don't recall.

3 Q. What were those questions and what answers
4 did you give?

5 A. I don't recall.

6 Q. When did that questioning take place?

7 A. I don't recall.

8 Q. Where did that questioning take place?

9 A. I don't recall.

10 Q. Were you represented by an attorney?

11 A. No, I wasn't.

12 Q. Did you or your attorney receive a copy of
13 that transcript of that questioning?

14 A. No.

15 Q. Prior to August 2nd, 2020, did you have
16 any physical problems that affected your ability to
17 work?

18 Defendants object to the form of Question
19 35 and to the extent it calls for disclosure of
20 confidential and private information.

21 A. No.

22 Q. Prior to August 2nd, 2020, did you have
23 any memory problems that affected your ability to
24 work?

25 A. No.

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1 (Exhibit 4 marked for
2 identification.)

3 BY THE COURT REPORTER:

4 Q. Did you review this document prior to
5 August 2nd, 2020?

6 A. No.

7 The question -- what was the question
8 again?

9 MR. SANDERS: There's no pending question.

10 BY THE COURT REPORTER:

11 Q. Yeah, there's no pending question.

12 A. Oh, okay.

13 Q. I was just letting you finish look at it.

14 A. Oh, okay.

15 Q. Please review Plaintiffs' Exhibit 5, which
16 is ECF number 266 in Case number 18-cv-1781. And
17 again, the first question is: Do you recognize this
18 document? And you can take your time to look at it.

19 A. No.

20 (Exhibit 5 marked for
21 identification.)

22 BY THE COURT REPORTER:

23 Q. Once you're done with it, we're done with
24 it.

25 A. Okay. No.

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1 Q. Who is your attorney represent --

2 MR. SANDERS: Did you ask Part (b)?

3 BY THE COURT REPORTER:

4 Q. Did you review --

5 THE COURT REPORTER: Not yet.

6 BY THE COURT REPORTER:

7 Q. Did you review this document before it was
8 filed with the court?

9 A. No.

10 Q. Okay.

11 I'm just going to make sure I got 39
12 correct.

13 If we look back at Exhibit 4, did you
14 review this document prior to August 2nd, 2020?

15 It was one of the --

16 A. No.

17 Q. Okay.

18 A. No.

19 Q. Okay. We're done with that.

20 A. Okay.

21 Q. Who is your attorney representing you in
22 this matter?

23 A. Paul Sanders.

24 Q. When did you first meet your attorney?

25 Defendants object to the form of Question

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1 MR. SANDERS: Do you want to take a break,
2 or do you want to get going? Do you want to
3 keep moving?

4 THE WITNESS: We can take one.

5 THE COURT REPORTER: Okay.

6 MR. SANDERS: This is --

7 THE COURT REPORTER: Yeah. No problem.

8 (A break was taken.)

9 BY THE COURT REPORTER:

10 Q. Prior to starting your job of reviewing
11 and signing affidavits, did you receive training on
12 the process for accessing the loan records?

13 A. Yes.

14 Q. Prior to starting your job of reviewing
15 and signing affidavits, did you receive training on
16 the importance of reviewing the loan records?

17 A. Not that I recall.

18 Q. When you were reviewing and signing
19 affidavits, did you feel that you had sufficient
20 knowledge and understanding of the loan records?

21 A. No.

22 Q. Did you ever sign an affidavit in support
23 of a lawsuit brought on behalf of a National
24 Collegiate Student Loan Trust account that contained
25 any false statements?

1 (a) through (f).

2 And Defendants object to the form of this
3 question including all subparts, and further
4 object to the extent this question to the
5 extent it mischaracterizes the prior testimony.
6 Objecting further, the questions and topics are
7 potentially subject to certain investigational
8 or confidential privilege.

9 That's it.

10 MR. SANDERS: Let's take a break because
11 -- go off. Or I mean, you can just -- we'll go
12 off the record. I mean, you're going to a read
13 and sign; right?

14 (A break was taken.)

15 THE COURT REPORTER: Okay. We're back on.

16 MR. SANDERS: I had a very brief
17 conversation with the witness. I read him
18 Question 3 of Defendants' Additional Questions.
19 I told him what I recall his answer to be, and
20 he indicated that that was an inadvertent
21 error. And I ask that the court reporter read
22 Question 3 again.

23 BY THE COURT REPORTER:

24 Q. Okay.

25 So Question 3 from Defendants' Additional

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1 Questions is: When you were reviewing and signing
2 affidavits, did you feel that you had sufficient
3 knowledge and understanding of the loan records?

4 And Plaintiffs object to the form of the
5 question.

6 MR. SANDERS: Can you read it again?

7 BY THE COURT REPORTER:

8 Q. When you were reviewing and signing
9 affidavits, did you feel that you had sufficient
10 knowledge and understanding of the loan records?

11 A. Yes.

12 THE COURT REPORTER: Okay. Thank you.

13 MR. SANDERS: All done.

14 THE WITNESS: That's it?

15 MR. SANDERS: That's it.

16 (Deposition concluded at 11:02 a.m.)
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